

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CARL PEACOCK

§

v.

§

CIVIL ACTION NO. 9:08CV229

J.A.M. DISTRIBUTING, INC.

§


ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that Defendant's [Motion to Dismiss](#) be granted and that the complaint be dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Plaintiff filed [written objections](#) to the Report and Recommendation on August 10, 2009. Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that Defendant's Motion to Dismiss (document [#30](#)) is **GRANTED** and the complaint is **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

SIGNED this the 25 day of **August, 2009**.


Thad Heartfield
United States District Judge